

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB257)

Received: **04/12/2005**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**
Local Gov't - misc

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changing the publication requirements for local ordinances

Instructions:

See Attached. Combine AB 257 (-1844/3) and a0388

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 04/12/2005	wjackson 04/13/2005		_____			
/1			pgreensl 04/13/2005	_____	lemery 04/13/2005	lemery 04/13/2005	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB257)

Received: **04/12/2005**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**
Local Gov't - misc

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changing the publication requirements for local ordinances

Instructions:

See Attached. Combine AB 257 (-1844/3) and a0388

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	mshovers	1wly 4/13	4/13	4/13			
11 MES	4/12/05		px	px			

FE Sent For:

<END>

Shovers, Marc

From: Solie, Denise
Sent: Monday, April 11, 2005 1:55 PM
To: Shovers, Marc
Cc: Asbjornson, Karen
Subject: Drafting Request for AB 257 & SB 126

Marc,

Karen and I talked about the amendment.

We would like to have the amendment re-drafted as a substitute (instead of a simple), as it's difficult to read the bill and amendment separately; a sub would be simpler.

Thanks, again, for your help with this.

Denise Kuchta Solie

Rep. Mark Gottlieb

(608) 267-2369

Shovers, Marc

From: Solie, Denise
Sent: Monday, April 11, 2005 3:31 PM
To: Shovers, Marc
Subject: RE: AB 257 - amendment draft

Yes, please. Just the bill as amended by LRBa0388. Please do not add in LRBa0389/P1...Sen. Roessler didn't like it, so we are not going to do it. But - be forewarned - you may get a request from another office for something similar as the bill moves forward.

Thanks again, Marc.
denise

From: Shovers, Marc
Sent: Monday, April 11, 2005 3:21 PM
To: Solie, Denise
Subject: RE: AB 257 - amendment draft

Hi Denise:

The relating clause is amended to apply to "certain local units of government" instead of "city, village, town, and county" because it also includes town sanitary districts, which are authorized to enact ordinances under s. 60.77 (5m), so I just used a broader term.

As to the second question, towns are directed to publish just like cities and villages. See amendment sections 1p and 1q, page 3, lines 1 to 14.

I'll get those sub requests entered too. You just want the sub to contain the contents of the bill and the amendment, right?

Thanks.

Marc

Marc E. Shovers

Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-8522
e-mail: marc.shovers@legis.state.wi.us

-----Original Message-----

From: Solie, Denise
Sent: Monday, April 11, 2005 8:58 AM
To: Shovers, Marc
Subject: AB 257 - amendment draft

Marc,

I was out on Friday. Karen sent me an email that she was sending the stripes back. But I don't have any stripes for either of the two amendments that we had drafted to this bill.

A couple of quick questions for you:

First, why isn't the relating clause (AA to AB 257/LRB a0388/P1, I 2-3) re-drafted as "city, village, town, and county ordinances"? (One of the town lobbyists asked me, and I didn't know, so said that I would ask.)

I thought that the answer to their second question was self-evident, but I'll ask you anyway: "Why isn't the amendment drafted to direct the town clerk to publish, just like for cities and villages?" My response to them was that when you look at the statutes for towns, they're constructed differently from the statutes for cities and villages, so the construction of the amendment reflects that difference.

True?

denise

From: Shovers, Marc
Sent: Thursday, April 07, 2005 2:10 PM
To: Solie, Denise
Subject: RE: Drafting request

ASA — to ✓

2005 ASSEMBLY BILL 257 ✓

WANTED Thurs Am

March 18, 2005 - Introduced by Representatives GOTTlieb, AINSWORTH, BERCEAU, BIES, GIELOW, HAHN, HINES, JESKEWITZ, KERKMAN, LEMAHIEU, MUSSER, NISCHKE, OTT, OWENS, PETTIS, SEIDEL, VAN ROY, VOS, KESTELL, GUNDERSON, STRACHOTA, MURSAU, PRIDEMORE, KREIBICH, MOLEPSKE, STASKUNAS and STONE, cosponsored by Senators ROESSLER, REYNOLDS, BROWN, GROTHMAN, KANAVAS, A. LASEE and LASSA. Referred to Committee on Urban and Local Affairs.

- 1 **AN ACT to amend** 61.50 (1), 61.50 (1m) and 62.11 (4) (a); and **to create** 61.50 (3)
- 2 and 62.11 (4) (c) of the statutes; **relating to:** changing the requirements for the
- 3 publication of city and village ordinances.

regen ✓

town, county, or town sanitary district (local governmental unit)

Analysis by the Legislative Reference Bureau

Generally under current law, the complete text of an ordinance that is enacted by a city or village must be published in the official city newspaper or in a newspaper that is published in the village. If no newspaper exists in a village, however, the ordinance may be posted in at least three public places in the village.

Under this bill, a city or village may continue to publish the complete text of an enacted ordinance or the city or village may publish a notice of the ordinance in the official city newspaper or in a newspaper that is published in the village. The notice must contain at least all of the following information:

1. The number and title of the ordinance.
2. The enactment date of the ordinance.
3. A summary of the ordinance.
4. Information about where the full text of the ordinance may be obtained.

The bill makes no change to current law regarding the posting of ordinances in villages in which there is no newspaper.

or towns

local governmental unit

substitute amendment

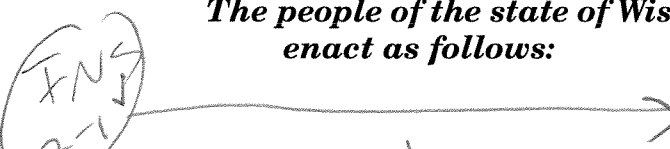
No ff

Towns may also post ordinances in the same manner

ASSEMBLY BILL 257

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

 **SECTION 1.** 61.50 (1) of the statutes is amended to read:

61.50 (1) PUBLICATION OF NOTICE OF ORDINANCES. Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the village by the president and clerk, sealed with corporate seal, and in pursuance only of authority therefor from the village board. All ordinances and bylaws shall be signed by the president and countersigned by the clerk; and, if any penalty or forfeiture is thereby imposed, the ordinance or bylaw shall be published either in its entirety, as a class 1 notice, under ch. 985, or as a notice, as described under sub. (3), and shall take effect on the day after its the publication or a later date if expressly prescribed. If there is no newspaper published in the village, the village board may in lieu of newspaper publication have copies of said the ordinances and bylaws posted in at least 3 public places in said village, and proof thereof filed and recorded by the village clerk, and the same shall take effect the day after the proof of posting has been filed and recorded, or at a later date if expressly provided in the ordinance or bylaw.

SECTION 2. 61.50 (1m) of the statutes is amended to read:

61.50 (1m) INDETERMINATE PUBLICATION. When any village ordinance is required by law to be published without express designation therein as to class of notice, it the ordinance shall be published either in its entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (3).

SECTION 3. 61.50 (3) of the statutes is created to read:

ASSEMBLY BILL 257

1 61.50 (3) REQUIREMENTS FOR NOTICE. A notice of an ordinance that may be
2 published under this ^{subsection} ~~section~~ shall be published as a class 1 notice under ch. 985 and
3 shall contain at least all of the following:

4 (a) The number and title of the ordinance.

5 (b) The date of enactment.

6 (c) A summary of the subject matter of the ordinance.

7 (d) Information as to where the full text of the ordinance may be obtained.

8 **SECTION 4.** 62.11 (4) (a) of the statutes is amended to read:

9 62.11 (4) (a) Proceedings of the council shall be published in the newspaper
10 designated under s. 985.06 as a class 1 notice, under ch. 985. The proceedings for the
11 purpose of publication shall include the substance of every official action taken by
12 the governing body. Except as provided in this subsection ~~all ordinances~~ every
13 ordinance shall be published either in its entirety, as a class 1 notice, under ch. 985,
14 or as a notice, as described under par. (c), within 15 days of passage, and shall take
15 effect on the day after its the publication or at a later date if expressly prescribed.

16 **SECTION 5.** 62.11 (4) (c) of the statutes is created to read:

17 62.11 (4) (c) A notice of an ordinance that may be published under this
18 ^{paragraph} ~~subsection~~ shall be published as a class 1 notice under ch. 985 and shall contain at
19 least all of the following:

20 1. The number and title of the ordinance.

21 2. The date of enactment.

22 3. A summary of the subject matter of the ordinance.

23 4. Information as to where the full text of the ordinance may be obtained.

24 **(END)**

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2005 ASSEMBLY BILL 257

At the locations indicated, amend the bill as follows:

1. Page 1, line 3: delete "city and village ordinances" and substitute "certain action taken by certain local governmental units."

2. Page 2, line 1: before that line insert:

"SECTION ~~1e.~~ 59.14 (1) of the statutes is amended to read:

59.14 (1) Whenever a board enacts an ordinance under this chapter the clerk shall immediately publish ^{it} the ordinance either in its entirety, it as a class 1 notice, under ch. 985, or as a notice as described under sub. (1m); and the clerk shall procure and distribute copies of the ordinance to the several town clerks, who shall file it in their respective offices.

SECTION ~~1f.~~ 59.14 (1m) of the statutes is created to read:

INS
2-1
P1063

INS 21 p. 2 of 3

59.14 (1m) A notice of an ordinance that may be published under this subsection shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

(a) The number and title of the ordinance.

(b) The date of enactment.

(c) A summary of the subject matter of the ordinance.

(d) Information as to where the full text of the ordinance may be obtained.

~~SECTION 1j.~~ 60.77 (5) (c) of the statutes is amended to read:

60.77 (5) (c) Issue rules or orders, which shall be published either in their entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (5s).

~~SECTION 1k.~~ 60.77 (5m) of the statutes is amended to read:

60.77 (5m) AUTHORITY TO ENACT ORDINANCES. The commission may enact and enforce ordinances to implement the powers listed under sub. (5). The ordinances shall be published either in their entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (5s).

~~SECTION 1l.~~ 60.77 (5s) of the statutes is created to read:

60.77 (5s) REQUIREMENTS FOR NOTICE. A notice of an ordinance that may be published under this subsection shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

(a) The number and title of the ordinance.

(b) The date of enactment.

(c) A summary of the subject matter of the ordinance.

(d) Information as to where the full text of the ordinance may be obtained.

~~SECTION 1p.~~ 60.80 (1) (intro.) of the statutes is amended to read:

INS 2-1 p.3 of 3

60.80 (1) GENERAL REQUIREMENT. (intro.) The town clerk shall publish either
in its entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub.
(5), or post in at least 3 places in the town likely to give notice to the public, the
following, within 30 days after passage or adoption:

~~SECTION 1q.~~ 60.85 (5) of the statutes is created to read:

60.85 (5) REQUIREMENTS FOR NOTICE. A notice of a resolution, motion, ordinance,
or action that may be published under this subsection shall be published as a class
1 notice under ch. 985 and shall contain at least all of the following:

- (a) The number and title of the resolution, motion, ordinance, or action.
- (b) The date of enactment.
- (c) A summary of the subject matter of the resolution, motion, ordinance, or
action.
- (d) Information as to where the full text of the resolution, motion, ordinance,
or action may be obtained."

3. Page 2, line 1: delete "**SECTION 1**" and substitute "**SECTION 1w**".

(END) ob
ins 2-1